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Attorney for the Debtor

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
READING DIVISION

In re: Robert C. Manns

Chapter 13

Case No. 17-10473

Adv. Pro. No. 17-ap-300

Debtors

Robert C. Manns
Plaintiffs

Vs.

Real Time Resolutions as agent for
RRA CP Opportunity Trust I as agent for BAC
f/k/a Countrywide
Defendants

And

Frederick L. Reigle, Esquire

Additional Defendant

MOTION FOR DEFAULT JUDGMENT
UNDER LBR 7005-1

NOW COMES, the above captioned debtor and moves this Court pursuant to LBR 7005-1 for an Order Valuing the Claim held by Real Time Resolutions, Inc., as agent for RRA CP Opportunity Trust I as agent for BAC f/k/a Countrywide (hereinafter the creditor) and which is secured by Property of the Estate and in support thereof avers:

1. On or about January 23, 2017, the debtor filed an original Chapter 13 Petition under the Bankruptcy Code.

2. This Court has jurisdiction over these proceeding pursuant to 28 U.S.C. § 1334, 11 U.S.C. §506(a) and Federal Rule of Bankruptcy Procedure no. 3012.
3. This is a core proceeding pursuant to 11 U.S.C. §157(b)(2).
4. The name of the defendant against whom the default judgment is sought is Real Time Resolutions, Inc. as agent for RRA CP Opportunity Trust I as agent for BAC f/k/a Countrywide.
5. The Summons and Complaint were served upon Defendant by Certified Mail as an Insured Depository Institution.
6. A conformed copy of the Summons is attached hereto as Exhibit A.
7. A copy of the signed “green card” indicating receipt of the certified mailing is attached as Exhibit B.
8. The time for filing of an answer or other response expired on November 10, 2017.
9. No answer or other response has been filed or served by Defendant.
10. The default of the Defendant has not yet been entered but is requested.
11. As proof that the Plaintiff is entitled to the relief requested in the Complaint, the Plaintiff relies on the complaint and the documents which are attached thereto.
12. No defendant named in Paragraph no. 2 above is in the military service so as to be entitled to the benefits of the Service Members Civil Relief Act (Pub. L. 108-189)(50 USC §§ 501-594). The undersigned declares under the penalty of perjury that this statement of the defendants’ non-military status is true and correct and is made under the penalty of perjury pursuant to the laws of the United States of America based on the plaintiff’s information and belief and the undersigned’s lack of knowledge and belief that there has been any change in the circumstances of the defendant’s non-military status.

WHEREFORE, the debtors respectfully request that after such notice and opportunity to be heard as this Court will deem appropriate, the Court enter an Order pursuant to 11 U.S.C. §506(a) and allowing the Creditor’s claim as unsecured non-priority and for such other and further relief as this Court will deem just and equitable.

Respectfully submitted,

/s/ Michael J. McCrystal

Michael J. McCrystal, Esquire